

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 2/14/2014
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THEMIS CAPITAL and DES MOINES INVESTMENTS :
LTD., :

Plaintiffs, :

-v- :

DEMOCRATIC REPUBLIC OF CONGO and CENTRAL :
BANK OF THE DEMOCRATIC REPUBLIC OF :
CONGO, :

Defendants. :
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09 Civ. 1652 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

Starting February 13, 2014, a two-day bench trial in this case was held. At trial, the Court directed the parties to file the following documents on ECF:

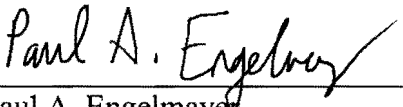
- Court Exhibit 1: Plaintiffs' First Revised List of Exhibits;
- Court Exhibit 2: The parties' Joint Submission Identifying Outstanding Objections;
- Court Exhibit 3: The parties' First Revised Joint Pretrial Order;
- Court Exhibit 4: Defendants' First Revised List of Exhibits.

Also at trial, defendants objected to two of plaintiffs' proposed exhibits—91 and 92—on foundation and authenticity grounds. Both exhibits were spreadsheets containing damages calculations. Defendants' objection, essentially, was that the record lacked evidence to support the interest rates that plaintiffs had applied in their calculation of damages.

During plaintiffs' case-in-chief, the Court ruled that it was premature to receive either prosecution exhibit 91 or 92. The parties were directed, however, to meet and confer after trial for the purpose of reaching an agreement as to the appropriate interest rates to use in calculating damages. Accordingly, by February 21, 2014, the parties are directed to submit either:

(1) revised versions of prosecution exhibits 91 and 92 jointly agreed to by the parties; or (2) a joint letter explaining why the parties failed to submit revised versions of these exhibits.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: February 14, 2014
New York, New York